



The Tennessee Sunshine Law Passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH**

**MEMORANDUM  
SECOND AMENDED**

**Date:** October 1, 2019  
**To:** Shelley Walker, Director of Communications and Media Relations  
**From:** Wanda E. Hines, Board Administrator

**Name of Board or Committee:** Board for Licensing Health Care Facilities Board Meeting  
**(Call-in Number: 1-888-757-2790 passcode: 516730#)**

**Date of Meeting:** October 2, 2019  
**Time:** 9:00 a.m., Central Standard Time  
**Place:** Iris Conference Room  
665 Mainstream Drive, Second Floor  
Nashville, TN 37243  
**Major Item(s) on Agenda:** See Attached

**LINK TO LIVE VIDEO STREAM:**

<https://web.nowuseeit.tn.gov/Mediasite/Play/88dd4cfddfc64ddb1f1602bf80383401d>

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

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**LISA PIERCEY, MD, MBA, FAAP**  
COMMISSIONER

**BILL LEE**  
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND  
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

**BOARD FOR LICENSING HEALTH CARE FACILITIES  
BOARD MEETING**

**October 2, 2019**

**IRIS CONFERENCE ROOM, FIRST FLOOR  
9:00 a.m.**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES  
WHEN THE BOARD IS IN SESSION**

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1. **WELCOME NEW BOARD MEMBERS:** Julie Jeter, M.D., Physician-Medicine Representative replacing Dr. Kenneth Robertson and Susan Peach, Hospital Administrator Representative replacing Mr. Thomas Gee. Reappointment of Dr. Sherry Robbins, Physician-Medicine Representative.
2. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
3. **RULEMAKING HEARING-**Notice of Rulemaking Hearings can be viewed online at: [https://publications.tnsosfiles.com/rules\\_filings/07-16-19.pdf](https://publications.tnsosfiles.com/rules_filings/07-16-19.pdf).
  - A. 1200-24-05 Plans and Specifications  
1200-24-05-.01 Definitions  
1200-24-05-.03 Fees
4. **REPORTS.**
  - A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
  - B. **NURSE AIDE REPORT** – Wanda King, Program Manager, CNA
  - C. **OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens,  
Senior Associate General Counsel
  - D. **OFFICE OF HEALTH CARE FACILITIES REPORT**–Vincent Davis, Director,  
HCF

**E. STANDING COMMITTEE(S) REPORT – Ann Reed, Director of Licensing**

- (1) Performance Improvement Issue (PI) Standing Committee Meeting – August 16, 2019.
- (2) Assisted Care Living Facility (ACLF) Standing Committee Meeting – August 26, 2019.

**5. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES**

- A. Revised Interpretative Guidelines-Use of ‘Physician’ Term – to include Professional Support Services (PSS) Rule 1200-08-34-.06(2)(b).
- B. Interpretative Guidelines language for Assisted Care Living Facility Rule 1200-08-25-.10(3)(b) and Home for the Aged Rule 1200-08-11-.08(2) to define “sleeping hours” in RHAs and ACLFs.
- C. Pediatric Emergency Care (COPEC) Rules 1200-08-30 – Equipment List.  
**REPRESENTATIVE(S):** Dr. Kevin Brinkmann, Chair, COPEC Standards Committee
- D. Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5) –  
Caroline Tippens, Senior Associate General Counsel

**6. LICENSE STATUS REQUESTS.**

**JAMESTOWN REGIONAL MEDICAL CENTER, JAMESTOWN #48**

This eighty-five (85) hospital bed facility is requesting to place their license on inactive status effective June 13, 2019. Jamestown Regional Medical Center will not be admitting or treating patients at this location. No patients needed to be relocated to other facilities.

**REPRESENTATIVE(S):** Michael Alexander, CEO

**SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, NASHVILLE #126**

This ambulatory surgical treatment center is requesting to place their license on inactive status for one (1) year. The physician partners were involved in postponing services and agree to suspend services on April 30, 2019. Patients previously scheduled at Saint Thomas Outpatient Neurosurgical Center have been rescheduled to Saint Thomas Midtown campus ASTC.

**REPRESENTATIVE(S):** Siara Bunn, Director of Business Operations, Saint Thomas Health, Brian Woodward, Attorney, and Tim Shalvey, Attorney

**FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE #293**

This sixty-three (63) bed nursing home is requesting an extension waiver for their license to remain inactive for an additional twelve (12) months. The facility is in negotiations with a serious buyer for an acquisition of the facility.

**REPRESENTATIVE(S):** Jerry W. Taylor, Attorney

**LONG HOLLOW TERRACE, HENDERSONVILLE #531**

This eleven (11) bed home for the aged facility is seeking to place their license on inactive status. The owners have entered into a sale agreement. The projected date of closing is September 13, 2019 upon the approval of the Change of Ownership. The facility is currently unoccupied.

**REPRESENTATIVE(S):** Joseph B. Laoyan, Administrator

**COPPER BASIN MEDICAL CENTER, COPPERHILL #94**

This twenty-five (25) hospital bed facility is requesting a second extension of the inactive status extension for one (1) additional year. The county of Polk and the City of Ducktown currently hold the title to Real Property and Personal Property, since acquiring the property we have been working on finding a potential buyer.

**REPRESENTATIVE(S):** Vice-Mayor James Talley, Ducktown

**PENDLETON HOUSE OF LOVE, MEMPHIS #185**

Pendleton House of Love a residential home for the aged facility is requesting a second extension of the inactive status of their license until all surveys have been completed.

**REPRESENTATIVE(S):** MacAuther Sharkey, Administrator

**MERITAN, INC., MEMPHIS- PSS #329**

This licensed Professional Support Services Agency is seeking to place their license on inactive status. Meritan has recently discontinued their Medical Residential Supported Living Services with DIDD and is uncertain if they will continue providing hourly nursing services with DIDD.

**REPRESENTATIVE(S):** Melanie A. Keller, President/CEO

**TENNOVA HEALTHCARE HOSPICE IN-PATIENT HOSPICE HOUSE, KNOXVILLE #2**

This eighteen (18) bed residential hospice facility is requesting a second extension of the inactive status of the inactive status of their license for an additional one (1) year. This facility is reviewing its status and hope to be able to reopen if it can be financially feasible. Tennova Healthcare Hospice In-patient Hospice House was placed on inactive status on October 4, 2017 which expired on October 4, 2018 and an extension was granted October 3, 2018 which will expire on October 3, 2019.

**REPRESENTATIVE(S):** Kim Harvey Looney, Attorney

7. **WAIVER REQUESTS.**

**SAINT THOMAS WEST HOSPITAL, NASHVILLE #24 AND SAINT THOMAS MIDTOWN HOSPITAL, NASHVILLE #32**

Saint Thomas West Hospital, a 541-bed acute care hospital and Saint Thomas Midtown Hospital, a 683-bed acute care hospital, both are Tennessee nonprofit corporations and wholly owned of Saint Thomas Health. This notice of the merger of Saint Thomas Midtown into Saint Thomas West Hospital, a division of Saint Thomas Health and is seeking Saint Thomas Midtown Hospital to become a satellite of Saint Thomas West Hospital according to hospital rule 1200-08-01-.01(37)(b) and under the name Ascension Saint Thomas Hospital. In addition to the merger, Saint Thomas is considering converting Saint Thomas West from a non-profit corporation to a Tennessee limited liability company and changing its legal name to Saint Thomas West Hospital, LLC. Saint Thomas Health anticipate that the merger (and conversion if occurs) will be effective of or after July 1, 2020.

**REPRESENTATIVE(S):** Fahad Tahir, President and CEO Saint Thomas Midtown and West Hospitals, Brian Woodward, Attorney and Tim Shalvey, Attorney

**REVISIT-RESPIRONICS, INC., DBA PHILIPS RESPIRONICS AND RESPIRONICS COLORADO, INC., COLORADO**

This potential applicant as a home medical equipment provider in Tennessee is seeking an interpretation and/or waiver of twelve (12) provisions of the HME Regulations 1200-08-29 including the physical location regulation. Respironics, Inc., is requesting to be consistent with previous waiver approvals that were granted to home medical equipment provider RespirTech in May 2016 and to National Biological Company in October 2017. This provider will offer to consumers a product known as “Simply Go Mini” which is a portable oxygen concentrator as well as other durable medical equipment. Respironics’ “Simply Can Mini” will be delivered to patients only through mail order delivery. The product is also not covered under Medicare and/or Medicaid. Like the related company, RespirTech, all equipment-related problems and returns are handled through company support resources and not at the physical location in Tennessee. Philips Respironics and Respironics Colorado, Inc., representatives attended the Performance Improvement Issue Standing Committee Meeting on August 16, 2019 and a recommendation will be presented to the full Board for action.

**REPRESENTATIVE(S):** Ann R. Reed, Director of Licensure

**TRISTAR SKYLINE MEDICAL CENTER, NASHVILLE #23**

This three hundred eighty-five (385) hospital bed facility which includes the satellite campus Skyline Madison is requesting to increase their acute care beds count by twenty-two (22) licensed beds. The total licensed acute bed complement will be two hundred forty-five (245) beds upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

**REPRESENTATIVE(S):** Jerry Taylor, Attorney

**8. DISCUSSION(S).**

- A. J.B. Knowles Assisted Living, Nashville f/k/a Autumn Hills Assisted Living, Nashville #79 (ACLF) – Request to Lift Probation.

**REPRESENTATIVE(S):** Melvin Corlew, Administrator and Deborah Neal

- B. Home Healthcare Solutions of Davidson, LLC, Nashville #333 (PSS) – Updated Progress Report by facility on securing DIDD contract.

**REPRESENTATIVE(S):** Tony O’Digie, Owner

- C. Vanderbilt University Medical Center, Nashville #27 (Hospital) – Updated Progress Report on Accepted Plan of Correction (POC).

**REPRESENTATIVE(S):** Dan Elrod, Attorney

- D. Legacy Assisted Living and Memory Care, Memphis #279 (ACLF) Progress Report.

**REPRESENTATIVE(S):** Peter Cawley, Managing Director and Joe Jasmon, CEO, American Healthcare Mgmt.

- E. Prestige Assisted Living of Loudon County, Loudon #53 (ACLF) – Progress Report

**REPRESENTATIVE(S):** Nikki Zaveri, Administrator

- F. Propose Board Meeting Dates for Year 2020.

- G. Olive Branch Assisted Living, LLC, Dickson #81 – The facility failed to address deficiencies and a request from the Board for a report and to address concerns.

**REPRESENTATIVE(S):** Martha Bullington, Administrator

- H. Optimum Assisted Living, LLC, White Bluff #233 - The facility failed to address deficiencies and a request from the Board for a report and to address concerns.

**REPRESENTATIVE(S):** Ann Reed, Director of Licensure

- I. Dialyze Direct TN, LLC, Memphis-This ESRD provider is seeking to provide staff-assisted home hemodialysis to ESRD patients residing in long-term care facilities in Tennessee by determination by the Board. Dialyze Direct provides complete coordination of care between Dialyze Direct and the Nursing Facility as specified as 2017 CMS State Operations Manual, Appendix PP. Dialyze Direct maintains a home hemodialysis training and support office as an employee hub for training and educating staff prior to designing them to a nursing facility site. No patient care is rendered in their office. Dialyze Direct’s model is an excellent solution to alleviating logistical, organizational and qualitative issues revolving around

transporting dialysis patients between nursing homes and outpatient dialysis centers.

**REPRESENTATIVE(S):** Jonathan Paull, General Counsel & Chief Compliance Officer and Josh Rothenberg, Chief Operating Officer

J. Revisit-CHOW Application Disciplinary Action Requirements.

**REPRESENTATIVE(S):** Ann Reed, Director of Licensure

K. Implementation of 'Best Practices' for Facilities.

**REPRESENTATIVE(S):** Ann Reed, Director of Licensure

L. Loving Arms of Memphis, Inc., Memphis RHA#158- Unacceptable Plan of Correction #3 was submitted on September 9, 2019 for health and life safety deficiencies cited during the licensure survey completed on March 18, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1)&(2) and a representative must appear before the Board for Board approval.

**REPRESENTATIVE(S):** Timika Chambers Administrator

M. Big South Fork Medical Center, Oneida #101 (Hospital) – Unacceptable Plan of Correction #3 was submitted on September 6, 2019 for life safety deficiencies cited during the licensure survey completed on July 30, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1)&(2) and a representative must appear before the Board for Board approval.

**REPRESENTATIVE(S):** Hal Leftwich, Administrator and Pamela Akins, Chief Nursing Officer

**9. APPROVAL OF MINUTES.**

- A. June 5, 2019 – Board Meeting
- B. August 16, 2019 – Performance Improvement Issue Standing Committee Meeting
- C. August 26, 2019 – Assisted Care Living Facility Standing Committee Meeting

**10. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**

**A. SPECIAL CONSIDERATION**

- 1. **(INITIALS)**  
Pinnacle Medical Solutions, LLC, Memphis-HME \*(Corporate integrity agreement).
- 2. **(CHOWS)**  
N/A

**B. RATIFICATION.**

**1. QUALIFYING APPLICATIONS (Approval)**

**(INITIALS)**

**(a) Adult Care Homes-Level II**

Abby Mae Ventilator Care Home, Spring City

**(b) Assisted Care Living Facility**

Harmony at Brentwood, Brentwood  
Morning Pointe of East Hamilton, Ooltewah  
Sheltering Arms, Palmer  
Sommerfield at The Heritage, Brentwood  
The Arbors at Dogwood Pointe, Milan  
The Blake at Kingsport, Kingsport  
The Place at Crossfield, Hendersonville

**(c) End Stage Renal Disease Facility**

Fresenius Kidney Care Ooltewah, Ooltewah  
Fresenius Kidney Care Spring Hill, Spring Hill

**(d) Home for the Aged Facility**

Front Porch Senior Living, Portland  
Peaceful Village Residential Home, Hartsville

**(e) Home Medical Equipment Facility**

Chattanooga Durable Medical Equipment, LLC, Chattanooga  
Cutting Edge Foot and Ankle Clinic, Nashville  
HCH Medical, LLC, Ripley  
Health System Services, Dickson  
Mockingbird DME, LLC, Chattanooga  
Professional Medical Partners, Jackson

**(f) Outpatient Diagnostic Centers**

Premier Radiology Gallatin, Gallatin

**(g) Professional Support Services**

Home Care Preference, LLC, Antioch

**(CHOWS)**

**(a) Assisted Care Living Facility**

Hickory Hills Alzheimer's Special Care Center, Hendersonville  
Navion BKE Bellevue, LLC, Nashville  
Navion BKE Oak Ridge, LLC, Oak Ridge  
Optimum Senior Living, White Bluff

**(b) Home Health Services**

Clinch River Home Health, Clinton

(c) **Homes for the Aged**  
Harlan Morris Retirement Home, Trenton

11. **LICENSE STATUS UPDATES.**

**PLANNED PARENTHOOD OF TENNESSEE AND NORTH MISSISSIPPI, NASHVILLE #15**

This ambulatory surgical treatment facility had placed their license on inactive status on June 5, 2019. This facility requested on July 16, 2019 to place their license back to active status. A health and life safety survey was required and done with no deficiencies. Planned Parenthood of Tennessee and North Mississippi license was approved and placed on active status effective July 15, 2019.

**CUMBERLAND RIVER HOSPITAL, CELINA #15**

This thirty-three (33) hospital bed facility had placed their license on inactive status on March 1, 2019 concurrent with the hospital's cessation of operations. This facility requested on September 9, 2019 to place their license back to active status. Cumberland River Hospital, Celina #15 license was approved and placed on active status effective September 6, 2019.

**\*FACILITY CLOSURES**

See attachment.

12. **BOARD POLICY CONSENTS.**

A. **THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:**

BedrockHC at Spring Meadows, LLC, Clarksville #193  
Mabry Health Care & Rehab Center, Gainesboro #136

B. **THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:**

- (1) The Reserve at Spring Hill, Spring Hill-NH-411 and The Reserve at Spring Hill, Spring Hill- ACLF-456  
- Julie A. Bellar, Administrator-starting October 2, 2019
- (2) Tennova Newport Convalescent Center, Newport #35 – Seeking waiver extension; waiver previously granted October 3, 2018 for one (1) year which expires October 3, 2019.  
- Robert Ham, Temporary Administrator
- (3) Grace Healthcare of Decatur, Decatur #185  
- Ashley M. Wilson, Temporary Administrator

**13. ORDERS.**

**A. Consent Orders.**

**14. REGULATION(S).**

**A. BOARD APPROVAL FOR RULEMAKING HEARING**

**B. PROPOSED RULE LANGUAGE**

(1) Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5).